

LFC Requester:**Theresa Rogers**

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**

Correction **Substitute**

Date 01/08/16

Bill No: HB-56

Sponsor: Paul A. Pacheco

Agency Code: 305

Short

Person Writing Jason Yamato and Greer

Title: Three Strikes Law

Phone: 505.222.9036 **Email** jyamato@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

House Bill 56 expands Section 31-18-23, NMSA 1978, the statute providing for mandatory life imprisonment upon the conviction of a third violent felony conviction. The expansion comes as a result of adding the following crimes to the definition of violent felony: voluntary manslaughter, §30-2-3(A), NMSA 1978, involuntary manslaughter, §30-2-3(B), NMSA 1978, aggravated assault with the intent to commit a violent felony, §30-3-3, NMSA 1978, third degree aggravated battery, §30-3-5 (C), NMSA 1978, second or third degree shooting at a dwelling or occupied building, §30-3-8, NMSA 1978, first degree abuse of a child, §30-6-1, NMSA 1978, aggravated, first, second or third degree criminal sexual penetration, §30-9-11, NMSA 1978, second or third degree criminal sexual contact of a minor, §30-9-13, NMSA 1978, first or second degree robbery, §30-16-2, NMSA 1978, aggravated burglary, §30-16-2, NMSA 1978, aggravated arson, §30-17-6, NMSA 1978, aggravated assault upon a peace officer, §30-22-22, NMSA 1978, assault with intent to commit a violent felony upon a peace officer, §30-22-23, NMSA 1978, and aggravated battery upon a peace officer, §30-22-25, NMSA 1978. The bill further expands the definition of a violent felony by redacting any requirement for great bodily harm with regard to shooting at or from a motor vehicle, and kidnapping. The requirement that a robbery must be armed and result in great bodily harm is also redacted from the definition of a violent felony.

FISCAL IMPLICATIONS**SIGNIFICANT ISSUES**

N/A

PERFORMANCE IMPLICATIONS

House Bill 56 would be an additional tool for prosecutors to enhance the sentences of violent offenders.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 37 addresses the same concern as House Bill 56 in a similar way. Both bills propose adding offenses to the definition of a violent felony. House Bill 37 takes the step of further expanding the definition of a violent felony to juvenile offenses for which the offender was sentenced as an adult. House Bill 37 allows for potential early release from the life sentence if the offender has served at least ten years of the life sentence and is at least sixty years old.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

The drafters may also wish to consider adding the following offenses to the definition of a violent felony conviction: third degree robbery, §30-16-2, NMSA 1978, criminal sexual contact, §30-9-12, criminal sexual penetration as provided in subsection (G) (2), and aggravated stalking, §30-3A-3.1, NMSA 1978.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A